

CLAIM OF OWNERS OF SCHOONER KATHLEEN.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

*A letter from the Secretary of the Navy, submitting for an appropriation the papers in the claim of the owners of the schooner Kathleen for damages sustained by said schooner in a collision with the U. S. S. Chicago.*

JANUARY 6, 1893.—Referred to the Committee on Claims and ordered to be printed.

TREASURY DEPARTMENT,  
January 5, 1893.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Navy, of the 30th ultimo, submitting for an appropriation the papers in the claim of the owners of the schooner *Kathleen* for damages sustained by the tender of said schooner in collision with the steam launch of the U. S. S. *Chicago*, in the harbor of Boston, Mass., on July 9, 1892, amounting to \$97.50.

Respectfully, yours,

CHARLES FOSTER,  
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

NAVY DEPARTMENT,  
Washington, December 30, 1892.

SIR: I have the honor to inclose herewith copies of the following-described papers, relating to the claim of the owners of the schooner *Kathleen*, of the Massachusetts Yacht Club, on account of damages sustained by the tender of said schooner, caused by collision therewith of the steam launch of the U. S. S. *Chicago*, in the harbor of Boston, Mass., on the 9th of July last, viz: Letter from the commanding officer of the *Chicago*, with a letter from the owners of the *Kathleen*, and a report of an examination made of the boat referred to; Department's letter to the said owners, offering to have the boat repaired at a navy-yard, at the expense of the Government, and a subsequent letter from the Department to Hon. J. H. O'Neil concerning the claim; affidavit from the owners of the *Kathleen*, with bill for repairs and statement of expense incurred by them in consequence of the collision, amounting to the sum of \$97.50.

In view of the fact that the responsibility for the collision rests with the steam launch of the U. S. S. *Chicago*, that the estimate made by the carpenter of that vessel was confined to the probable cost of repairing the boat alone, and that the loss to her owners is properly vouched for, I have to request, inasmuch as there is no appropriation under the control of this Department from which the above-mentioned claim can be paid, that you will cause to be submitted to Congress, at its present session, an estimate of the sum required to be appropriated for the settlement of the same, viz, \$97.50.

Very respectfully,

B. F. TRACY,  
*Secretary of the Navy.*

The SECRETARY OF THE TREASURY.

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U. S. S. CHICAGO (2ND-RATE),  
*New York, N. Y., July 16, 1892.*

SIR: I have the honor to inclose herewith a letter of Mr. H. H. Carter, of the schooner *Kathleen*, of Boston, submitting a claim for damages done to a boat of the *Kathleen* by a steam launch of this vessel. The causes leading to the accident, which occurred on the 9th instant, were about as stated by Mr. Carter in his letter. The fireman of the launch was not incompetent, but did misunderstand the signal from the coxswain, and went ahead with the engines instead of backing, which caused the launch to strike the boat of the *Kathleen*, causing the injuries stated.

I was absent from the vessel at the time, but when the facts were reported to the commanding officer he sent Carpenter C. H. Bogan, of this vessel, to examine the boat and ascertain the injury. On my return the case was reported to me, and Mr. Carter saw me personally about the matter. I informed him that I would gladly repair the boat, but the carpenter reported that it would take two days, and as the vessel was to sail in the morning for New York it was impracticable for me to do so, but that if he would write to me on the subject, as I had no funds for the payment of any such repairs, I would refer the matter to the Navy Department for its decision.

Mr. Carter's claim was received yesterday, and I directed Carpenter Bogan to make a report and estimate of the damages, a copy of which is herewith inclosed. Mr. Carter's claim of \$75 for damages is excessive, and the claim of \$25 for loss of time should, I believe, not be considered. I would recommend, if in accordance with the Department's views, that Mr. Carter be informed that on the delivery of the boat to the commandant of the navy-yard, Boston, it will be properly repaired.

Very respectfully,

J. N. MILLER,  
*Captain U. S. Navy, Commanding.*

The SECRETARY OF THE NAVY,  
*Navy Department, Washington, D. C.*

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STREET DEPARTMENT, CITY HALL,  
*Boston, July 13, 1892.*

DEAR SIR: On July 9, 1892, while the tender of the schooner *Kathleen* was lying at the mooring float of the Massachusetts Yacht Club in Boston, in the custody of the sailing master, it was run into and cut down by the steam launch belonging to the U. S. S. *Chicago*.

The officers on board your vessel are fully acquainted with the facts, which, briefly stated, are that the steam launch was in charge of an incompetent fireman, the regu-

lar fireman being confined on board the *Chicago* for some breach of discipline. On approaching the wharf the fireman mistook the signal to "back" for the signal to "go ahead," which I am told was given by Coxswain Price; and owing to this mistake on the part of the launch the tender was run into and very much injured.

The tender cost \$275, and three broken streaks will have to be taken out. The damage is estimated by H. V. Partelow, the boat-builder, to be \$75. In view of the fact that the services of this boat will be lost for some time while repairs are being made, we hereby make a claim on the United States Government for the sum of \$100.

If you will be kind enough to send the facts in connection with this case to the Department at Washington and ask that this claim be allowed you will greatly oblige,

Yours, very respectfully,

H. H. CARTER.

E. A. BANGS.

A. H. BOND.

By H. H. CARTER,

*Schooner Kathleen, Massachusetts Yacht Club.*

The COMMANDING OFFICER OF THE U. S. S. *CHICAGO*,  
New York, N. Y.

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U. S. S. *CHICAGO*, (SECOND RATE),  
New York, N. Y., July 15, 1892.

SIR: In obedience to your verbal order I examined the boat belonging to the yacht *Kathleen* at Boston, Mass., said to have been run down by the steam cutter of the *Chicago*, and find that she was cut down amidships to the depth of three streaks, the gunwale broken, two of the wooden thwart knees broken, and two brass knees bent. In my opinion the boat can be thoroughly repaired for the sum of \$30.

Very respectfully,

C. H. BOGAN,  
Carpenter, U. S. N.

Capt. J. N. MILLER, U. S. N.,  
Commanding.

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NAVY DEPARTMENT,  
Washington, July 21, 1892.

SIR: The Department is in receipt of a communication from the commanding officer of the U. S. S. *Chicago*, inclosing your letter to him in relation to the collision of the steam launch of that vessel with a boat of the schooner *Kathleen*, belonging to the Massachusetts Yacht Club, from which it appears that the launch was at fault and that you claim damages therefor to the extent of your estimate of the cost of repairing the injuries sustained by the boat and for detention, amounting to the sum of \$100.

I deem it proper to inform you, in reply, that an estimate of the cost of repairing the boat referred to was made by the carpenter of the *Chicago*, and that, in his opinion, the injuries to the boat, due to the collision, can be repaired for the sum of \$30. In view of the fact that the Department has no funds under its control from which payment can be made for damages caused by naval vessels, and that all claims on that account must be submitted to Congress for consideration, the Department can not allow your claim, but, in cases where it is practicable, the vessel or boat injured may be repaired at a navy-yard at the expense of the Government. The Department has therefore given instructions to have the necessary repairs made to the boat at the navy-yard, Boston, Mass., if you will send it there within a reasonable time.

Very respectfully,

B. F. TRACY,  
Secretary of the Navy.

Mr. H. H. CARTER,  
*Massachusetts Yacht Club, City Hall, Boston, Mass.*

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NAVY DEPARTMENT,  
Washington, December 13<sup>th</sup> 1892.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, inclosing the petition of Messrs. Carter, Bangs, and Bond, of Boston, Mass., in which they claim the sum of \$100 as compensation for injuries to and detention of the tender of the schooner *Kathleen*, belonging to the Massachusetts Yacht Club, on account of the collision of a steam launch of the U. S. S. *Chicago*, on the 9th of July last, with the said tender, which was then lying at a mooring float in the harbor of Boston.

In reply to your request that the claim be transmitted to Congress, with a recom-

mentation that the sum required to pay the same be appropriated, I have to state that soon after the accident to the tender occurred the commanding officer of the U. S. S. *Chicago* directed the carpenter of that vessel to make an examination of the tender, with a view to ascertaining the extent and estimating the cost of repairing the injuries she had received in the collision, and that officer reported that in his opinion the same could be repaired at a cost of \$30. In a letter to the Department, under date of July 16, 1892, inclosing the report of the carpenter, the commanding officer of the *Chicago* referred to the claim then presented to him by Mr. Carter for the sum of \$100 as compensation for the injuries to the tender referred to, and expressed the opinion that the charge therefor was excessive.

In view of the fact that the Department has no funds under its control from which compensation can be made to the owners of vessels damaged in collisions occurring under such circumstances as are stated in this case, Mr. Carter was informed that while no payment in money could be made to him therefor, his boat would be repaired at the navy-yard, Boston, if he should have her taken there for that purpose; but it appears that he had, before receiving the Department's letter, arranged for the work to be done by private parties. While the Department has no reason to doubt that compensation is properly due to the owners of the boat referred to, it will be seen that, in order to complete their claim for the Department's action in submitting it to Congress for an appropriation to reimburse the loss incurred by them, it will be necessary to have the same supported by affidavits showing the amounts paid for the repairs and that the charge for demurrage is a reasonable one. For the reasons above stated I return the petition, and have to state that upon the receipt of proper evidence in the case the Department will consider the claim with a view to submitting it to Congress.

Very respectfully,

B. F. TRACY,  
*Secretary of the Navy.*

Hon. J. H. O'NEIL,  
*House of Representatives.*

STATE OF MASSACHUSETTS,  
*Suffolk County, City of Boston, ss :*

We, the undersigned, Henry H. Carter, Alfred H. Bond, and Edward A. Bangs, owners of the schooner yacht *Kathleen*, whose tender was run down at the Massachusetts Yacht Club's landing, in Boston Harbor, on the 9th day of July last, by a steam launch belonging to the United States steamship, *Chicago* being duly sworn, depose and say that the loss and damage to us by reason of our tender being run down as aforesaid was \$97.50, as follows:

Amount paid for repairs, as per H. V. Partelow & Co.'s receipted bill here-with .....	\$38. 50
Depreciation in market value of tender on account of accident, being the difference between the market value of tender before the accident and after being repaired .....	35. 00
Loss of use of tender, twelve days, at \$2 per day .....	24. 00
	<hr/> 97. 50

That the above sum is now justly due and owing to the deponents.

E. A. BANGS.  
H. H. CARTER.  
A. H. BOND.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

Sworn and subscribed before me this 22d day of December, A. D. 1892.

FRANCIS L. HAYES,  
*Justice of the Peace.*

H. V. PARTELOW & Co.,  
*Boston, Mass., July 22, 1892.*

Sold to Edward E. Bangs:

Repairs on mahogany tender, putting in plank and varnishing it .....	\$38. 50
1 bar, 7-foot, spruce .....	1. 00
	<hr/> 39. 50

Received payment, July 27, 1892.

H. V. PARTELOW & Co.  
By H. V. P. Co.